

DOCKET NO. 98-142

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

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In the Matter of )

Amendment of Parts 2, 25 and 97 of the )  
Commission's Rules with Regard to the )  
Mobile-Satellite Service Above 1 GHz )

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ET Docket No. 98-142

**COMMENTS OF CD RADIO, INC.**

Satellite CD Radio, Inc. ("CD Radio"),<sup>1</sup> by its attorneys, hereby submits its comments on the Commission's Notice of Proposed Rulemaking in the above-captioned proceeding.<sup>2</sup> The purpose of these comments is to clarify the record regarding CD Radio's use of the 7025-7075 MHz band for Earth-to-space feeder-links in the satellite digital audio radio service ("SDARS").

The Commission notes in the *NPRM* that "the 6525-7075 MHz band is essentially non-Government exclusive spectrum and is allocated to the fixed and fixed-satellite (Earth-to-space) services on a co-primary basis."<sup>3</sup> Spectrum within this particular band, specifically 7025-7075

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<sup>1</sup> CD Radio, Inc. is authorized to launch and operate a satellite system in a geostationary orbit in order to provide satellite digital audio radio service in the 2320-2332.5 MHz frequency band pursuant to Commission order. See Satellite CD Radio, Inc., Application for Authority to Construct, Launch, and Operate Two Satellites in the Satellite Digital Audio Radio Service, File Nos. 71-SAT-AMEND-97, *et al.*, Order and Authorization, DA 97-2191 (rel. Oct. 10, 1997) ("CD Radio Licensing Order").

<sup>2</sup> Amendment of Parts 2, 25 and 97 of the Commission's Rules with Regard to the Mobile-Satellite Service Above 1 GHz, ET Docket No. 98-142, Notice of Proposed Rulemaking, FCC 98-177 (rel. Aug. 4, 1998) ("*NPRM*").

<sup>3</sup> *NPRM* at ¶ 19 (footnotes omitted).

MHz, was allocated to SDARS to provide this service with "sufficient feeder link spectrum."<sup>4</sup>

CD Radio has been authorized to use the 7GHz band for its feeder-link operations.<sup>5</sup>

As the Commission stated in the *SDARS Rules Order* "NGSO MSS" feeder link networks will be transmitting in the downlink direction in the 7 GHz band while satellite DARS feeder links will be transmitting in the uplink direction in the same band (i.e. NGSO MSS feeder links will be operating "reverse band"). Coordination between the transmitting satellite DARS earth stations and receiving NGSO MSS feeder link earth stations, and between receiving DARS space stations and transmitting NGSO MSS space stations is therefore required. Additionally, according to WRC-95 decisions, transmitting NGSO MSS feeder link space stations must meet power flux density limits at the geostationary orbit to protect receiving space stations in the 7 GHz band."<sup>6</sup>

Therefore, CD Radio expects that NGSO MSS operators will submit information in this proceeding regarding their ability to coordinate their space stations (transmit) with SDARS space stations (receive) and their gateway earth stations (receive) with SDARS earth stations (transmit). In this regard, CD Radio notes that it currently envisions only two unlink earth stations, and in any event a very small number.

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<sup>4</sup> Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band, IB Docket No. 95-91. *Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking*, FCC 97-70, at ¶ 129 (rel. Mar. 3, 1997) ("*SDARS Rules Order*").

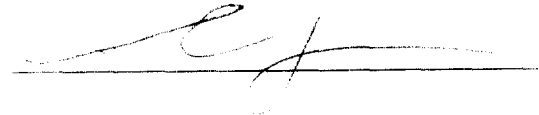
<sup>5</sup> See *CD Radio Licensing Order* at ¶ 55 ("Satellite CD Radio IS AUTHORIZED to launch two GSO satellites at 80° and 110° W.L. capable of operating with the feeder-links in the 7025-7075 MHz (Earth-to-space) frequency band ...."). Thus, CD Radio should also be referenced in footnote 42 of the *NPRM*.

<sup>6</sup> *SDARS Rules Order* ¶¶ 136-137.

Respectfully submitted,

SATELLITE CD RADIO, INC

By:

A handwritten signature in dark ink, appearing to read 'Michael Yourshaw', is written over a horizontal line.

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